

Application No. : 10/761,218
Art Unit : 3762

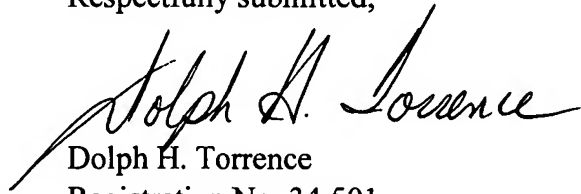
Attorney Docket No. 21782.00
Confirmation No. 2750

In compliance with the Examiner's requirement, Applicant provisionally elects with traverse for further prosecution the embodiment shown in Figure 3, depicting the wrist mounted heart rate monitor of the present invention. Claims 1-5 and 7-14 are considered to be readable on the elected species.

Notwithstanding the propriety of the election requirement for examination purposes, Applicant contends that he should be entitled to a consideration of a limited number of related embodiments falling within the scope of a generic inventive concept. Moreover, it would appear that a search and examination of the entire application could be accomplished without a serious burden on the Examiner since the embodiments identified of record would seemingly encompass a common field of search. In fact, both embodiments have previously been examined by the Office.

Accordingly, it is respectfully requested that the Examiner withdraw the election requirement, and issue an action on the merits of all the embodiments presently in the case. Alternatively, should the Examiner maintain the requirement and make it final, Applicant awaits a complete action on the merits of the elected subject matter.

Respectfully submitted,


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